

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 13 December 2021 at 1 Swift Way, Westinghouse Way, Bowerhill, Melksham, SN12 6QX at 7.00pm

THE PUBLIC WERE WELCOME TO ATTEND THE FACE-TO-FACE MEETING, BUT WERE ENCOURAGED TO PARTICIPATE VIA ZOOM, DUE TO LIMITED SPACE AVAILABLE IN THE COUNCIL'S MEETING SPACE TO COMPLY WITH THE COUNCIL'S RISK ASSESSMENT RELATING TO COVID.

Present: Councillors Richard Wood (Committee Chair), John Glover (Chair of Council), Alan Baines (Committee Vice-Chair) and Mark Harris

Officers: Teresa Strange, Clerk and Lorraine McRandle, Parish Officer

353/21 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting.

The Clerk reminded everyone the meeting was being recorded for the purposes of preparation of the minutes and to upload to YouTube, until the draft Minutes were approved.

354/21 To receive Apologies and approval of reasons given

Members noted Councillor Pile has a leave of absence until the end of February 2022.

Councillors Chivers and Pafford were not in attendance and did not tender their apologies.

Post meeting note: Councillor Pafford had tendered apologies verbally for health reasons

355/21 Declarations of Interest

a) To receive Declarations of Interest

There were no declarations of interest.

b) To consider for approval any Dispensation Requests received by the Clerk and not previously considered.

None.

c) To note standing Dispensations relating to planning applications.

To note the Parish Council have a dispensation lodged with Wiltshire Council dealing with Section 106 agreements relating to

planning applications within the parish.

- 356/21 To consider holding items in Closed Session due to confidential nature** *Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of business, where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*

Due to potential negotiations with developers, the Clerk advised item 12c **Contact with developers** should be held in closed session and during item 9 regarding the **Planning Appeal**, advised that the elements relating to the defence of the Melksham Neighbourhood Plan at Appeal be in closed session as related to legal proceedings.

Resolved: Agenda items 9 (part) & 12c be held in closed session for the reasons given.

357/21 Public Participation

No members of public were present.

358/21 To consider the following Planning Applications:

PL/2021/10081: Mavern House, Corsham Road, Shaw. Proposed single storey extension to the existing dementia specialist care unit, single storey conservatory extensions, and installation of solar and PV panels.

Comments: No objection.

PL/2021/10801: 214 Corsham Road, Whitley. Construction of workshop, bike shed, garden shed, fence, gates, extension and new roof to conservatory and cladding to back porch.

Comments: No objection.

PL/2021/11023: 214 Corsham Road, Whitley. Essential structural repairs, replacement windows and doors, internal alterations. Listed building consent (Alt/Ext).

Comments: No objection.

359/21 Revised Plans To comment on any revised plans received within the required timeframe (14 days)

No revised plans had been received.

360/21 Planning Enforcement: To note any new planning enforcement queries raised.

Councillor Glover asked if there was update with regard to the removal of the storage container from the former Peacock Pub in Beanacre.

The Clerk explained this had been raised several times with Planning Enforcement, but would chase again for a response.

361/21 C Planning Appeal: Land West of Semington Road (Planning application No: 20/07334/OUT) by Terra Strategic against Wiltshire Council's decision to refuse planning permission

Correspondence had been received from Terra Strategic proposing to change the tenure of the scheme to 100% affordable housing, comprising a mix of affordable rented and affordable ownership products despite them having already lodged an appeal with the Planning Inspectorate against Wiltshire Council's decision to refuse planning permission for 50 mixed tenure dwellings, which the Parish Council had objected to for various reasons.

The Clerk explained the Parish Council had previously objected to proposals for 100% affordable housing on this site several years ago (planning application 18/04650/OUT) for significant higher dwelling numbers and suggested Members might wish to submit additional comments to the Planning Inspectorate in light of the change to this application.

It was noted that the Officer Report refusing the development of 240 houses and a 70-bed care home on Land South of Western Way (20/08400/OUT) contained some useful information from the NHS and Education department at Wiltshire Council, as well as noting Melksham had already delivered over the Core Strategy's housing allocation figure for Melksham up to 2026. The Clerk explained this would also be useful information to include in a further response to the Planning Inspector as was current information due to the decision on this application being made on 7th December.

Councillor Glover asked if reference had been made to protect the 'green buffer', in the Neighbourhood Plan.

It was noted reference was made to protecting the 'green buffer' in the Officer's Report and the same applied to Berryfield.

Councillor Baines felt not having a mixed development of varying types of tenure went against policy in the Neighbourhood Plan and raised a concern any residents of such a development would be less likely to have access to a vehicle and therefore would have to cross the busy A350 to access facilities in the town, via its Western arm, which has no

pedestrian crossing. The Parish Council had previously raised concerns of the dangers of people crossing the A350 on numerous occasions.

Resolved: To forward additional comments to the Planning Inspectorate, quoting Policy 6 of the Neighbourhood Plan relating to developments having mixed tenures and to forward a copy of the Decision Notice/Officer Report regarding the 240 houses Land South of Western Way (20/08400/OUT) for information, highlighting the various comments made with regard to the housing figures, responses from the NHS, Education and the need to protect the 'green buffer'.

Recommendation: To approve Vaughan Thompson, Place Studios providing a detailed piece of work to defend the robustness of the Neighbourhood Plan and to attend any appeal hearing on the Council's/Neighbourhood Plan Steering Group's behalf.

To seek a contribution towards costs from Melksham Town Council.

362/21 Planning Policy

a) WALPA (Wiltshire Area Local Planning Alliance) Update

The Clerk explained there was no update to report.

b) Neighbourhood Planning

i) To reflect on responses to planning applications for review of the Neighbourhood Plan

To note planning application (20/08400/OUT) for 240 dwellings and a 70-bed care home had been refused by Wiltshire Council with policies in the Joint Neighbourhood Plan being quote several times as reasons for objecting to the proposals; particularly the use of "paragraph 14" of the NPPF (National Planning Policy Framework)¹.

c) To note letter from Semington Parish Council Re concerns Semington has been moved into the Trowbridge Housing Market Area (HMA)

The Parish Council had received a copy of a letter from the Chairman of Semington Parish Council to Councillor Botterill, Cabinet Member for Development Management, Strategic Planning and Climate Change, Wiltshire Council. The letter highlighted Semington Parish Council's concerns at Semington being moved from Chippenham Housing Market Area (HMA) to Trowbridge (HMA) and wishing to engage with

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Wiltshire Council and their consultants on the evidence used to support the move.

Recommendation: To write to the Chairman of Semington Parish Council to note and support their concerns and to inform him the Parish Council were equally disturbed at the arbitrary way the housing market boundaries were drawn-up, and that the Melksham Community Area now sat in two different Housing Market Areas.

363/21 Removal of Trees from Falcon Way, Bowerhill. To consider requests from residents for replanting as they understand land had planning conditions for landscaping and public amenity

Several emails and 'phone calls had been received from residents disappointed at the removal of the trees along Falcon Way by the private landowner, after they had received complaints and insurance claims from adjacent residents in Fulmar Close that subsidence had caused damage to their properties.

Residents had stated that planting of trees and hedges and the continued maintenance of the strip of land as an amenity space was a condition of the original plans in the 1980s (84/01244/OUT & 85/00619/FUL).

Councillor Glover understood the land was intended to be maintained as such and suggested the condition of the walls may not just be down to tree damage, but other factors. It was noted other walls elsewhere in Bowerhill close to the area in question had also collapsed over the years and had been rebuilt and they did not have trees planted near their boundary.

Councillor Baines noted Wiltshire Council had been asked for copies of the planning decision and a copy of the Section 106 agreement from their archives in order to ascertain if the land was to be kept as amenity land and maintained as such and by whom.

The Clerk confirmed Councillor Holder, as Wiltshire Councillor for Bowerhill was trying to speed up the process of Wiltshire Council retrieving these documents.

It was noted if the land were shown not to have to be maintained as amenity land, the landowner was quite within their rights to transfer the land over to adjacent landowners to enable them to include within their rear gardens; as some had requested.

Several Councillors raised concern that as the land in questions was under a private landowner what remit the Parish Council had in this matter. It was noted several green space areas in Bowerhill would appear not to have been previously adopted by West Wilts District Council and subsequently transferred to Wiltshire Council.

The Clerk noted Wiltshire Council had agreed to take on the strip of land near Kingfisher Drive to enable the parish council's proposed bus shelter to be erected on it, and sought a steer from Members if they wished the Parish Council to take ownership of the land. Members felt it would be inappropriate for the Parish Council to take on responsibility for these strips of land, particularly as they were adjacent to the Highway.

Recommendation: To ask Wiltshire Council to adopt the strips of land on Falcon Way adjacent to the highway.

364/21 S106 Agreements and Developer meetings: (Standing Item)

a) To note update on ongoing and new S106 Agreements

- **Update on Footpath to rear of Melksham Oak School**

The Clerk explained that no update had been received on this project.

- **Pathfinder Way**

- **To approve updated artwork by Marilyn Trew**

Community Artist Marilyn Trew had provided revised drawings following comments raised at a previous meeting and the Clerk sought approval from Members on the revised design prior to going to print.

Whilst Members welcomed the new depiction of Pathfinder, they noted Sir Cyril Newall was still referred to as Marshall **to** the RAF rather than Marshall **of** the Royal Air Force, the same as Arthur William Tedder.

Recommendation: To approve the drawings by Marilyn Trew subject to the above amendment.

- **Update following site meeting with Taylor Wimpey**

The Clerk explained she had eventually managed to meet with the Site Manager to discuss various issues regarding the site. It had previously been understood a traffic management plan was due to be in place the previous week to undertake various tasks, including the installation of the public art, however, the contractors were unable to undertake the work as they did not have the relevant streetwork licences.

The Clerk explained whilst the Wiltshire Council Highway Engineer had agreed a location for the public art panel, the Clerk had hoped they would also be at the meeting in order to

confirm the precise siting and orientation, unfortunately they were unable to attend.

- **To consider taking on inspection of Davey play area before transfer (paid by Taylor Wimpey)**

The Clerk explained the Site Manager had confirmed, despite the play area being open for over a year, that no routine inspections had taken place, which was a real concern. The play area was due to be handed over to the Parish Council in due course, after being signed off by Wiltshire Council.

The Clerk explained Taylor Wimpey were happy for the Parish Council to undertake the play area inspections in the meantime and pay the costs associated with this, if Members were happy with this proposal.

Concern was expressed over who would be liable if there was an issue, if the Parish Council took on responsibility for inspections prior to the play area being adopted by the Parish Council.

Councillor Baines raised concern if the play area was not inspected, whether it should be closed until regular safety inspections were carried out.

Recommendation: To make further investigations on the feasibility of the Parish Council taking on responsibility for the play area inspections, prior to being transferred to the Parish Council.

- **To consider colour of railings and gates for Davey play area and future action**

During discussions Taylor Wimpey explained there had been a delay in Wiltshire Council signing off the play area certification, as according to the Section 106 Agreement the railings should be powdered coated black and the gate yellow, however, the railings were galvanised steel and the gates red.

The Clerk pointed out the Council had asked for the gates to be red in line with other play areas in the parish and noted other play areas in the parish (owned by Wiltshire Council) also had galvanised steel railings and therefore asked Members if this could be addressed in order to move things along in the adoption of the play area.

Recommendation: To inform Wiltshire Council the Parish Council were happy for the play area to be adopted, despite the railings not being powder coated black, as long as the play area was inspected and safe.

- **To consider site suggestions for donated community action defibrillators (as opportunity for electricity supply)**

The Clerk explained following the offer of a donation of a community action defibrillator for the Bowerhill area, a suitable location had been sought during the site visit, with access to an electricity supply.

The Clerk explained only one suitable location had been found, next to the bus shelter on Pathfinder Way (East side), but this would require an electricity spur installed by SSE, who would be on site quite soon, or the Council could decide to wait until the school was built on the Pathfinder Place development and one put there.

The Clerk informed Members the new bus shelters on Pathfinder Way would be transferring to Wiltshire Council in due course and therefore monies had been allocated in the budget for 2022/23 to clean the shelters if Members were happy with this, as the Parish Council had taken on responsibility for cleaning all shelters in the parish.

Recommendation 1: To ask that an electricity spur be provided adjacent to new bus shelter Pathfinder Way to enable a community defibrillator to be installed.

Recommendation 2: That a community defibrillator be purchased in due course, to be installed on the new school development at Pathfinder Way.

Recommendation 3: To approve the allocation of funding in the 2022/23 budget for cleaning of the new bus shelters on Pathfinder Way.

- **Dick Lovett, Portal Way**
 - **Update on request to remove brambles along their boundary.**

Due to brambles on the A350 not being cut back for some time, these had started to encroach onto the Dick Lovett site, therefore, they were seeking approval to remove these to enable passing motorists to see their new building.

Councillor Glover explained he had contacted the Clerk to say mud was accumulating outside the entrance to the site and what could be done to make sure this was cleared on a regular basis.

Councillor Wood informed the meeting he had previously seen wild flowers on the verge, such as a pyramidal orchid and cowslip prior to the brambles taking over and expressed concern these could be lost and felt the removal of the brambles needed to be done sympathetically and in conjunction with advice of a suitably qualified ecologist on the best way to remove them.

Councillor Wood also expressed concern at the loss of several trees elsewhere on the site and noted several trees had been removed on the Northern boundary near Herman Miller and was unclear why this gap had been created and whether this was on Herman Miller land.

Recommendation 1: To approve the request to remove the brambles on the boundary with the A350, as long as they are sensitively removed and not before the end of the Summer, in order to protect the developing wild flower verge. That the advice of a suitable qualified ecologist is sought on how best to remove the brambles in the first instance.

Recommendation 2: To ascertain why a 10m gap has been created to the North of the site which appears to be outside the site boundary.

b) To note any S106 decisions made under delegated powers

Whilst there were no delegated decisions to report under this item, the Clerk stated that with regard to Wiltshire Council refusing planning permission for 240 dwellings, plus a care home on Land South of Western Way (planning application 20/08400(OUT)) that a local GP had queried the accurateness of the combined patient figures quoted in the NHS report of 15,693 as it was felt this was a lot higher than quoted.

The Clerk stated she would make sure Wiltshire Council and the NHS were aware the figures were higher than quoted.

It was suggested highlighting the comments in the NHS report in the Council's response to the Townsend Farm Appeal for 50 dwellings (20/07334/OUT).

Recommendation: To seek clarification on the up to date patient figures of both doctors' surgeries in town, prior to contacting the NHS and Wiltshire Council with the latest figures.

c) C Contact with developers

Both Councillor Glover and the Parish Officer had attended a Melksham Town Council Economic Development meeting on 29 November, at which two developers were in attendance to discuss proposals regarding land at Station Yard, Bath Road (Upside Business Park) and the former Countrywide Stores site, Bradford Road.

Notes of the meeting taken by the Parish Officer at the meeting are below:

In attendance from the Town Council were Councillors Jon Hubbard (Mayor and Chair of Economic Development Committee), Colin Goodhind (Deputy Mayor), Gary Cooke (Vice Chair of Economic Development Committee), Pat Aves, Simon Crundell, Louisa Lewis, Sue Mortimer, Jack Oakley, Saffi Rabey and officers Patsy Clover, Acting Deputy Town Clerk and Christine Hunter, Committee Clerk

PlanningSphere Limited Presentation on a Proposed Development at the former Countrywide Site, off Bradford Road, Melksham

Chris Beaver, PlanningSphere explained AB Dynamics had brought the site, following the closure of Countrywide, as they were looking to expand their Bradford on Avon business. However, following Covid had reviewed their plans and decided to consolidate their business on one site in Bradford on Avon.

L2 Property have now brought the site. However, due to its proximity to a sewerage works and in Flood Zone 2, the site is not suitable for use as office space etc. Therefore, proposals are for:

- Builders merchants with proposed new access from Bradford Road.
- MOT Centre/Tyre Exhaust Centre (National Chain) with access via current entrance just off Farmers' roundabout
- Improved landscaping, particularly on boundary adjacent to Bradford Road.

It is hoped to submit plans early in the New Year. Chris Beaver explained he was happy to attend a future Planning meeting of Melksham Town Council to go through the plans.

**Stantonbury Building and Development Company
Presentation on a Proposed Development at Station Yard
(between Dunch Lane and Bath Road), Melksham (none as
Upside Business Park)**

Two representatives from Stantonbury were in attendance, along with their agent Joseph Baum from MPC.

Various surveys were currently being undertaken, including flood reports/modelling, particularly as South Brook, which runs through the site is subject to flooding and therefore limits the use of the site. Therefore, only propose to use the current scrap metal yard site, which is not on a flood plain.

Proposals include:

- 100 x 2/3 bedroom homes (not including flat and will be mixed tenure, including affordable in line with Wiltshire Council policy).
- Care home for specialist care.
- Flexible office space.
- Large area of public open space to include cycleways/footpaths connecting Bath Road with Dunch Lane (mainly in Flood Zone 3).
- Pro Alloy Wheels will not be affected by proposals and will remain on site.
- Contaminated land cleared.
- Public consultation has already taken place with local residents on-line, following a leaflet drop and have met with Wiltshire Councillor Phil Alford.
- Public Open Space. Looking to hand this over to either Wiltshire Council, the Town Council or the developer to manage.
- Waste Transfer Licence. Whilst this will be surrendered, there has been a lot of interest from others to take this on, if the site is not developed, as proposed, the scrap metal yard business will continue.
- Allotments. Allotments in Southbrook Road will remain, they do not form part of the proposed site.

- Sustainability of Housing. It is proposed the homes will include PV panels on roofs, be insulated and have heat source heating.
- Discharge of surface water/flooding. Understand will not be able to discharge surface water into Southbrook. As part of any Management Plan will make sure the brook and two culverts on this site are cleared of debris.

Flood alleviation will be clearer as the scheme progresses. It is intended to engage with Danny Everett, Principal Drainage Engineer, Wiltshire Council on proposals for the site.

Councillor Glover noted the proposed site for development was in Flood Zones 1 and 2 and asked what measures would be put in place to alleviate flooding further upstream in Shaw and Shurnhold Fields. Both suffer from flooding, with flood alleviation works having been carried out, with further improvements proposed.

Councillor Glover also noted the site was classed as Principal Employment Land in both the Core Strategy and the Neighbourhood Plan.

Stantonbury responded to say the site had previously been marketed for commercial use and plans submitted several years ago. However, the site was not commercially viable given its location and site constraints, including contaminated land, which would have to be removed.

Concern was expressed by Councillor Hubbard there was not enough information available, such as indicative layout plans of the site. Stantonbury stated they were at the very early stages of pre consultation at present.

Councillor Gary Cooke also expressed disappointment in the loss of employment land.

Stantonbury explained with regard to the Neighbourhood Plan, as they had only recently acquired the site, they were only able to make a representation at the final stage and had stated the site should come forward for housing.

The Clerk noted the Town Council had not followed pre app protocol agreed in the Melksham Neighbourhood Plan and asked if Members wished to meet the developers separately.

With regard to the meeting with the landowners of the site allocation in the Neighbourhood Plan this would now be arranged for the new year.

Recommendation: To arrange a meeting with the developers of Station Yard, Bath Road (Upside Business Park) and invite a representative of the Town Council in line with the joint Pre-App Protocol.

Meeting closed at 8.08pm

Signed
Chair, Full Council Meeting, 24 January 2022